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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,771	12/19/2001	James R. H. Challenger	AUS920010794US1	1221

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INTERNATIONAL BUSINESS MACHINES CORPORATION
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EXAMINER

BOUTAH, ALINA A

ART UNIT	PAPER NUMBER
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2143

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/034,771

Applicant(s)

CHALLENGER ET AL.

Examiner

Alina N Boutah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-21, 24-35, 38-43 and 45-48 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 22, 23, 36, 37 and 44 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to Applicant's amendment filed January 4, 2007. Claims 1-48 are pending in the present application.

Specification

Applicant has amended the disclosure that was objected to because of minor informalities such as missing related applications and the title not being descriptive. The objection is now withdrawn.

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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Claims 1, 15 and 29 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 8 and 15, respectively, of copending Application No. 10/034,748. Although the conflicting claims are not identical, they are not patentably distinct from each other because the mentioned claims disclose every element taught in Application No. 10/034,748 but further include “in response to determining that the first linking element comprises an expansion attribute, generating a set of linking elements in accordance with at least one parameter associated with the expansion attribute.” At the time the invention was made, one of ordinary skill in the art would have been motivated to employ an expansion attribute in order to expand a link to multiple links.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 10-21, 24-35, 38-43 and 45-48 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,615,235 issued to Copeland et al. (hereinafter referred to as Copeland).

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Regarding claim 1, Copeland teaches a method for processing objects within a data processing system in a network, the method comprising:

receiving a message at a computing device, wherein the message comprises a set of message headers and a message body, wherein the message body contains a top-level fragment comprising a first linking element to a first next-level fragment (figure 11A; col. 11, lines 29-67); and

in response to determining that the first linking element comprises an expansion attribute, generating a set of linking elements in accordance with at least one parameter associated with the expansion attribute (col. 10, lines 43-63).

Regarding claim 2, Copeland teaches the method of claim 1 further comprising: replacing the first linking element to the first next-level fragment with the set of linking elements in the message body (col. 10, lines 43-63).

Regarding claim 3, Copeland teaches the method of claim 1 further comprising: retrieving a first source identifier from the first linking element, wherein the first source identifier identifies a source location for obtaining the first next-level fragment;

retrieving an expansion parameter name associated with the expansion attribute (col. 10, lines 43-63);

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retrieving an expansion parameter value associated with the expansion parameter name (col. 10, lines 43-63);

forming a second source identifier for a second next-level fragment, wherein the second source identifier identifies a source location for obtaining the second next-level fragment, wherein the second source identifier comprises a portion of the first source identifier, the expansion parameter name, and the expansion value (figure 11A-B); and

inserting the second source identifier for the second next-level fragment in a second linking element in the set of linking elements (figure 11A; col. 19, lines 14-33).

Regarding claim 4, Copeland teaches the method of claim 3 wherein the expansion parameter name is a query parameter name and the expansion parameter value is a query parameter value (col. 18, line 54 to col. 19, line 6).

Regarding claim 5, Copeland teaches the method of claim 4 further comprising: submitting a query using the query parameter name and the query parameter value at an origin server; and generating the second next-level fragment using results from the query at the origin server (abstract; col. 18, line 54 to col. 19, line 6).

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Regarding claim 6, Copeland teaches the method of claim 3 further comprising:
retrieving a set of next-level fragments using the set of linking elements (figure 11A);

combining the top-level fragment and the set of next-level fragments into an assembled
fragment (figure 11B).

Regarding claim 7, Copeland teaches the method of claim 6 further comprising:
sending a request message for the second next-level fragment using the second source
identifier for the second next-level fragment (col. 17, lines 1-12); and

receiving a response message comprising the second next-level fragment (col. 17, lines 1-
12).

Regarding claim 10, Copeland teaches the method of claim 1 further comprising: storing
the top-level fragment in a cache maintained by a cache management unit within the computing
device, wherein the cache management unit operates equivalently in support of fragment caching
operations without regard to whether the computing device acts as a client, a server, or a hub
located throughout the network (abstract).

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Regarding claim 11, Copeland teaches the method of claim 1 wherein a linking element comprises a source identifier, wherein the source identifier is formatted as a URI (Uniform Resource Identifier) (figure 12).

Regarding claim 12, Copeland teaches the method of claim 1 wherein the linking element is defined using SGML (Standard Generalized Markup Language) (col. 1, line 66 to col. 2, line 2).

Regarding claim 13, Copeland teaches the method of claim 1 wherein the message is an HTTP (Hypertext Transport Protocol) Response message (col. 1, lines 63-66).

Claims 14, 28 and 42 are similar to claim 1, therefore are also rejected under the same rationale.

Claims 15-27 and 29-41 are similar to claims 1-13, therefore are rejected under the same rationale.

Regarding claim 43, Copeland teaches a data structure for use by a computing device in defining a content object, the data structure comprising:

a set of delimiters for a markup language element (figure 12);

a keyword for indicating that the markup language element is a linking element to a fragment (figure 10);

a source identifier for the fragment, wherein the source identifier is used to obtain the fragment (figure 12); and

an expansion attribute comprising at least one parameter for expanding the linking element into a set of linking elements (col. 10, lines 43-63).

Claims 45-48 are similar to claims 10-13, therefore are rejected under the same rationale.

Allowable Subject Matter

Claim 8, 9, 22, 23, 36, 37 and 44 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. These claims are allowed because Copeland reference is disqualified as prior art against the claimed invention pursuant to 35 U.S.C 103(c).

Response to Amendment

In regards to Applicant's argument that the provisional double patenting rejection should be withdrawn on the ground that different art references were used to reject the claims in the two

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applications, the PTO respectfully disagrees and submits that regardless of which references were used to reject the claims, the claims remain patentably distinct, therefore the rejection is appropriate.

In response to Applicant's argument that the requirements from the applicable patent examination guidelines have not been met, the PTO disagrees and respectfully submits that the guideline has been met. As stated above in the rejection, the PTO has clearly determined which application claims the base invention and which application claims the improvement. In this case, the co-pending application number 10/034,748 is the base application, and the present application is the improvement application because it has added limitation such as "in response to determining that the first linking element comprises an expansion attribute, generating a set of linking elements in accordance with at least one parameter associated with the expansion attribute." Therefore, the obvious-type double patenting in this application **CANNOT** be withdrawn without a terminal disclaimer.

In response to Applicant's argument that Copeland does not teach the use of a single fragment link to efficiently generate multiple links to multiple fragments, the PTO respectfully disagrees and submits that Copeland teaches this in col. 10, lines 43-60 as cited above. Specifically, the cited area discloses fragment 700, which contains child fragments. Each child fragment is represented by a link to the child fragment, which can be expanded. Each link includes both the child's ID and URL. Col. 9, lines 32-34 discloses that a fragment ID can be a URL and URL plus some requires attributes. In this case, the child's link is interpreted as a single fragment link, which can be expanded into multiple links because it includes the child's ID and URL.

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Applicant's argument in response to the rejection of claims 8, 9, 22, 23, 36 37 and 44 have been considered and found persuasive; therefore the rejection has been withdrawn. These claims are now objected to as being dependent on rejected based claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N Boutah whose telephone number is 571-272-3908. The examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).

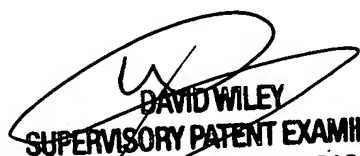
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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